

IC 34-54-11

Chapter 11. Enforcement of Foreign Judgments

IC 34-54-11-1

Filing of foreign judgment

Sec. 1. (a) A certified and exemplified copy of a foreign judgment may be filed in the office of the clerk of any court of record in a county in Indiana where the debtor resides or owns property, and is subject to IC 34-55-9-2.

(b) The clerk of the court in which the copy is filed shall treat the foreign judgment in the same manner as a judgment of an Indiana court.

(c) A foreign judgment filed under subsection (a) has the same effect and is subject to the same procedures and defenses as a judgment entered by an Indiana court.

As added by P.L.40-2003, SEC.2.

IC 34-54-11-2

Requirements

Sec. 2. (a) A judgment creditor filing a foreign judgment under this chapter must file an affidavit with the clerk of the court in which the foreign judgment is filed at the time the foreign judgment is filed. The affidavit must set forth:

(1) the name and last known address of the judgment debtor; and

(2) the name and last known address of the judgment creditor.

(b) The judgment creditor must send notice of the filing of the foreign judgment in the same process prescribed under Indiana Trial Rule 4 through Indiana Trial Rule 4.17.

(c) The notice described in subsection (b) must contain:

(1) the name and address of the judgment creditor;

(2) the name and address of the judgment creditor's attorney, if any; and

(3) the nature and amount of the judgment creditor's claim under the foreign judgment.

(d) Execution or other process for the enforcement of a foreign judgment may not be issued earlier than twenty-one (21) days after the entry of the judgment in the judgment's original jurisdiction.

(e) Not later than twenty-one (21) days after the date notice is served to the judgment debtor by the judgment creditor or the judgment creditor's attorney, the judgment debtor may file a notice with the court in which the judgment has been filed asserting any defenses that would prohibit the judgment creditor from execution or another process for enforcement of the foreign judgment.

As added by P.L.40-2003, SEC.2.

IC 34-54-11-3

Filing fee

Sec. 3. (a) The filing fee for a foreign judgment is the same as the fee for filing a cause of action with the clerk of the court in which the

foreign judgment is filed.

(b) All filing fees are due and payable at the time of filing.

As added by P.L.40-2003, SEC.2.

IC 34-54-11-4

Staying enforcement of a foreign judgment

Sec. 4. (a) If the judgment debtor shows the court with whose clerk the foreign judgment is filed:

(1) that:

(A) an appeal from the foreign judgment is pending;

(B) an appeal from the foreign judgment will be taken; or

(C) a stay of execution of the foreign judgment has been granted; and

(2) that the judgment debtor has furnished the security, if any, for the judgment required under the jurisdiction in which the foreign judgment was rendered;

the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated.

(b) If:

(1) the judgment debtor shows the court grounds upon which enforcement of a judgment of a court of Indiana would be stayed; and

(2) the judgment debtor gives the court security for the judgment debt;

the court shall stay enforcement of the foreign judgment for the same period as would be appropriate to stay enforcement for a similar judgment by an Indiana court.

As added by P.L.40-2003, SEC.2.

IC 34-54-11-5

Alternative action to enforce a foreign judgment not impaired

Sec. 5. This chapter does not impair a judgment creditor's right to bring an action to enforce a foreign judgment by other means.

As added by P.L.40-2003, SEC.2.